IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 682 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI
and
Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMEDABAD MUNICIPAL CORP.

Versus

NEW ASARVA CHEMICALS PVT.LTD.

Appearance:

1. First Appeal No. 682 of 2002
MR MAULIN R RAVAL for Petitioner No. 1
RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE N.G.NANDI
and
MR.JUSTICE M.S.SHAH

Date of decision: 06/05/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE N.G.NANDI)

1. Heard Mr. Maulin Rawal, learned advocate for the appellant and Mr. V.P. Nanavati, learned advocate for the respondent.

2. This appeal is directed against the order dated 29-2-2000 in M.V. Appeal No. 1104 of 1998 by Small Causes Court at Ahmedabad, allowing the appeal filed by the present respondent, and fixing the GRV at Rs.17,276/for year 1997-98 as against the GRV of Rs.61,004/- fixed by the appellant Corporation.

3. It is submitted by learned counsel appearing for the appellant as well as respondent that the impugned order dated 29-2-2000 be set aside and the matter be remanded to the Small Causes Court for reconsideration.

4. In view of the consent by learned advocate for the parties, specially by learned advocate for the respondent, the appeal is allowed. Order dated 29-2-2000 passed in M.V. Appeal No. 1104 of 1998 is set aside, and the matter is remanded to Small Cause Court, Ahmedabad for decision afresh in accordance with law. No costs.

R & P of the M.V. Appeal No. 1104 of 1998 be returned to the trial Court, forthwith.

Dt: 6-5-2003 (N.G. Nandi, J)

(M.S. Shah, J)

/vgn